

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:21-00182

STUART DOTSON

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's Motion for Temporary Furlough. (ECF No. 40.) Defendant seeks temporary release from custody to attend the funeral of his best friend, who has died unexpectedly. The funeral is to be held on April 22, 2022, and defendant asks for furlough from 10:00 a.m. to 5:00 p.m. on that day. He states that his cousin can provide transportation to and from the funeral. It is unknown whether the government opposes the motion.

Upon a previous de novo review of Magistrate Judge Tinsley's detention order, the court found that defendant posed a risk of non-appearance and a danger to the community. The court further found, by a preponderance of the evidence, that no condition or combination of conditions would reasonably eliminate the risk of defendant's nonappearance, and by clear and convincing evidence, that no condition or combination of conditions would reasonably assure the safety of the community.

Among other things, the court noted that defendant's criminal history is lengthy and that he repeatedly drove without

a driver's license. And it was particularly troubling to the court that in 2007 and 2008, he attempted to flee lawful arrest, and that in 2014, he attacked his arresting officer.

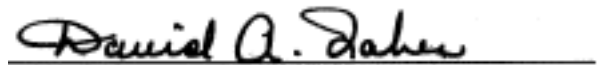
At his plea hearing, defendant renewed his request for bond, which the court again denied.

The court understands defendant's laudable desire to attend the funeral of his best friend, and the court sympathizes with defendant for his loss. After considering all of the circumstances of this case, however, the court finds that granting the relief requested would jeopardize both the safety of the community and the assurance that the defendant would return to custody after a release. Accordingly, defendant's motion is **DENIED**.

The Clerk is directed to send a copy of this Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 21st day of April, 2022.

ENTER:


David A. Faber
Senior United States District Judge